IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.21342 of 2007

Dated: October 12, 2007

Between:

Smt. Pulicherla Rajeswari, W/o. Dr. P. Murali Krishna, Hindu, aged 42 years, R/o.D.No.9-6-4, Jogavanipalem, High School Road, New Gajuwaka, Visakhapatnam.

… Petitioner

And

The District Collector, Visakhapatnam District, Visakhapatnam, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the second respondent in not registering the sale deed presented by the petitioner in respect of land admeasuring Ac.4.05 cents and Ac.4.89 cents, covered by Sy.Nos.295/1 and 295/2 respectively of Vangali village, Sabbavaram Mandal, Visakhapatnam District as arbitrary and illegal.

2. Heard Dr. P. B. Vijaya Kumar, learned counsel for the petitioner

and learned Government Pleader for Revenue appearing for respondents.

3. In the affidavit filed in support of the writ petition, it is stated that the aforementioned land was assigned to one Sri Peethala Pydayya, a freedom fighter on 10-01-1990 and after his death, pattadar passbook and title deed was granted to his wife, Smt. Peethala Rambhai, on 03-02-2005. The case of the petitioner is that the said Peethala Rambhai and her son Maheswara Rao entered into an agreement of sale with her on 05-09-2001 17-05-1990 to sell the said land and when sale deed was presented for registration, the second respondent refused to receive the same on the ground that the land in question is an assigned land. Petitioner relies on G.O.Ms.No.1045 dated 15-12-2004, which entitles freedom fighters to sell away lands assigned in their favour after a period of ten years after the assignment. The grievance of the petitioner is that though the said G.O. entitles the said Peethala Rambhai and her son Maheswara Rao, with whom the petitioner has entered into an agreement, to sell the land in question to her, second respondent is not receiving the sale deed presented for registration.

4. It is evident from the material papers filed along with the writ petition that patta was granted in favour of the said Peethala Pydayya on 10-01-1990 and after his death pattadar passbook was issued in favour of his wife. A perusal of the G.O. relied on by the petitioner indicates that the Government, while amending para 3(3) of G.O.Ms.No.185 dated 11-03-1997 and G.O.Ms.No.917 dated 31-10-1997, clarified that freedom fighters are free to sell away land assigned in their favour after a period of ten years after assignment.

5. Though petitioner alleges that the sale deed presented by her

for the purpose of registration has not been accepted by the second respondent, however, there is no evidence to support the said allegation. In any event, whenever documents are presented for registration, the registering authority is bound to receive them and cannot refuse them at the threshold. However, the authority is entitled to raise any objections for the documents to be registered and should give reasons for declining to register the documents in view of the provisions of Section 71 of the Registration Act, 1908. As much as petitioner alleges that second respondent has refused to receive the sale deed presented by her for the purpose of registration, and in the absence of any reasons recorded by the second respondent in refusing to receive the sale deed, I dispose of the writ petition directing the second respondent, Sub-Registrar, Sabbavaram Mandal, Visakhapatnam District, to receive the document proposed to be presented by the petitioner for registration and consider the same in accordance with the provisions of the Registration Act, 1908 ('the Act' for brevity) and the rules made thereunder and also G.O.Ms.No.1045 dated 15-12-2004. It is clarified that if there are any objections for registering the said document, it is open for him to make an endorsement to that effect, record reasons and communicate the same to the petitioner as per Section 71 of the Act. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

October 12, 2007
Note: **Furnish copy in four days**
B.O.
MRR